



CHIROPRACTIC QUALITY ASSURANCE COMMISSION MEETING MINUTES

October 8, 2015 – 9:00 a.m. to 3:40 p.m.

Department of Health
[Point Plaza East Building, Rooms 152/153](#)
310 Israel Road SE
Tumwater, WA 98501

Commission Members:

Matthew Waldron, DC, Chair, Aaron Chan, DC, Vice-Chair, Winfield Hobbs, DC, Vice-Chair, James Slakey, Public Member, Gabe (Gary) Smith, DC, Doug Long, DC, Robert Schmitt, DC, Bryson Langel, DC, Ronwynn Pratt, DC, Maria Best, DC, David Folweiler, DC, Louise Stephens, Public Member, Judy Colenso, Public Member, and Kimberly Corbin Waters, DC

Commission Staff Present

Leann Yount, Program Manager
Bob Nicoloff, Executive Director
Lilia Lopez, Assistant Attorney General (AAG)
Mike Ellsworth, DOH Supervising Staff Attorney
Jessica Jorgensen, Administrative Assistant

Others Present

Danielle Welliever, DOH Policy Analyst
Jeff Wise, DOH Policy Analyst
Ericka Brown, Credentialing Supervisor
Jennifer Herbrand, Credentialing Deputy
Suzanne Becker, AAG

On October 8, 2015 the Chiropractic Quality Assurance Commission (Commission) met in Tumwater, Washington at the Department of Health 310 Israel SW Tumwater, WA 98501. In accordance with the Open Public Meetings Act, the regular meeting agenda was made available on line at least 24-hours prior to the meeting.

OPEN SESSION – October 8, 2015 **9:00 a.m.**

1. CALL TO ORDER – Dr. Waldron, DC, Chair **9:00 a.m.**

1.1 The October 8, 2015 meeting agenda was approved with the following additions:

- Discussion about the October 12, 2015 Board of Physical Therapy meeting regarding their spinal manipulation endorsement form and the request for recognition to become an approved entity to provide training.
- Review and discuss the draft Council on Chiropractic Education’s Principles, Processes, and Requirements for Accreditation Standards.

1.2 The August 13, 2015 business meeting minutes and the September 10, 2015 rules workshop minutes were approved with the following changes

- For the August 13, 2015 minutes, amend item 9.8 to include –

Dr. Chan and Dr. Folweiler updated the Commission on the status of the rules review process after the July 9, 2015 rules workshop. The Commission continued working on revising the rules filed under Washington State Register (WSR) 15-09-027 to include WAC 246-808-190 Preceptor or Direct Supervisory Doctor, the Registration of Chiropractic X-Ray Technicians rules in WAC 246-808-201 through WAC 246-808-215, and some of the standard of care rules in WAC 246-808-301 through WAC 246-808-390.

The Temporary Permits – Issuance and Duration rule in WAC 246-808-130 was also discussed. The decision was made to perform further research for continued discussion at the November 12, 2015 rules workshop.

- The September 10, 2015 rule’s workshop minutes were approved after the July 9, 2015 date was corrected and changed to September 10, 2015.

1.3 Message from the Commission leadership included:

- Dr. Waldron reminded the Commission that they are implementing the new committee structure. Dr. Chan will be the chair of Committee 1, Dr. Hobbs will be the chair of Committee 2, and Dr. Waldron and Judy Colenso will be floaters to assist where needed on both Committees.
- Committee 2 will discuss how and when to implement the Commission PowerPoint Educational Presentation.
- Dr. Waldron reminded Commission members attending the Washington State Chiropractic Association’s annual conference on October 9-11, 2015 that they will be hosting a table and need to staff the table during all breaks. Leann Yount provided handouts for the table.
- Next rules chapter review meeting:
 - November 12, 2015 – Comfort Inn Conference Center in Tumwater
- December 10, 2015 mock case presenter:
 - Dr. Chan – Injury and Sports Accidents
- Dr. Waldron reminded Committees 1 and 2 that they will identify the 2016 mock case presenters for the following business meetings:
 - February 11, 2016
 - April 14, 2016
 - June 9, 2016
 - August 11, 2016
 - October 13, 2016
 - December 8, 2016

- Committee 1 will review the Chiropractic Council on Education (CCE) Principles, Processes, and Requirements for Accreditation Standards.
- Dr. Waldron informed the Commission that the Board of Physical Therapy (Board) is meeting October 12, 2015 in Spokane, Washington and their [agenda](#) is available on the Board's website.

They will be discussing the signature requirement on their spinal manipulation endorsement form when the supervisor is no longer available to sign off on the trainee's hours. The Board will also be discussing a request from the Spinal Manipulation Institute for recognition to become an approved entity to provide training.

The Commission discussed the Board's agenda items 5 and 8 and had many questions and concerns. A request was made that one member of the Commission attend the Board meeting regarding the questions and concerns being:

- How can physical therapists receive their spinal manipulation training hours prior to the rule being implemented?
- How can training be verified for quality assurance and patient safety measures if the supervisor is no longer available?
- What training and supervision does the Spinal Manipulation Institute provide that meets the definition in [WAC 246-915-382](#) to become a recognized entity?

Commission members discussed who could attend the Board meeting. It was determined that Ms. Colenso will attend the meeting and will be available to answer questions. Ms. Colenso will provide an update at the December 10, 2015 business meeting.

In addition, the Commission discussed and approved having a representative at any Board meeting, when necessary, where the spinal manipulation rules or recognition and training are being discussed.

2. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) DISTRICT I & IV MEETING, COUNCIL ON LICENSURE, ENFORCEMENT & REGULATION (CLEAR) ANNUAL CONFERENCE, AND WASHINGTON STATE CHIROPRACTIC ASSOCIATION (WSCA) BOARD MEETING UPDATE

2.1 Commission members that attended the FCLB District I and IV meeting in Coeur D'Alene, ID on October 2-3, 2015 provided the following update:

- Dr. Smith, Dr. Chan, Dr. Hobbs, Dr. Pratt, Ms. Colenso, Ms. Stevens and Mr. Nicoloff attended the conference.

The meeting provided several topics and breakout sessions to discuss the following topics:

- Chiropractic Council on Education (CCE) draft accreditation standards

- The CCE's Accreditation standards are changing and they are encouraging input from the state regulators. The comment deadline is November 1, 2015.
 - Provider Approved Continuing Education (PACE)
 - The FCLB is encouraging the state boards to recognize and accept PACE within their states.
 - Pastoral chiropractic medicine
 - Some state boards are experiencing chiropractors that let their state license expire and continue to practice chiropractic under the auspice of religion and their first amendment right. They claim the first amendment right allows them to practice chiropractic in any manner without being under a regulatory umbrella.
 - Telemedicine
 - 47 states accept some form of telemedicine
 - National Boards of Chiropractic Examiners (NBCE)
 - Offered six times a year
 - Results available online in 2017
 - Dry Needling
 - The chiropractic scope of practice in the state of Idaho includes injections. Their statute hasn't changed since 1927.
 - Many states prohibit dry needling performed by a chiropractor

2.2 Dr. Waldron and Mr. Nicoloff provided an update about the Council on Licensure, Enforcement, and Regulatory (CLEAR) conference they attended on September 17-19, 2015 in Boston, MA. Some of the highlights include:

- Over 600 conference attendees
- North Carolina versus the Federal Trade Commission teeth-whitening lawsuit update
- Several 60-75 minute panel discussions on various healthcare related topics
- Received a thumb drive with conference materials on it. Mr. Nicoloff will go through and gather items relevant to the Commission and bring it to a future meeting.

2.3 Dr. Folweiler provided an update about the Washington State Chiropractic Association (WSCA) board meeting he attended on September 3, 2015.

3. COMMISSION RESEARCH – Lilia Lopez, AAG 9:30 a.m.

3.1 Ms. Lopez provided the Commission with information about the “work product doctrine” explaining what it is and how it relates to the Commission’s work on disciplinary cases.

- Ms. Lopez also discussed a ruling in the case of *Scott v. United Services Automobile Association*.

4. NEW COMMITTEE COMPOSITION - Bob Nicoloff, Executive Director 9:45 a.m.

4.1 Mr. Nicoloff presented and discussed the new committee composition structure, including the:

- Proposed committee membership,
- current master list of Commission tasks and projects, and
- new worksheet to be used for tasks and projects assigned to the committees.

4.2 Commission members reviewed the proposed tasks and projects for their committee assignments including the assigned newsletter articles, mock case presentation assignments, list and labels requests, and the Commission educational presentation.

5. RULES PROCESS PRESENTATION – Jeff Wise, DOH Policy Analyst 10:15 a.m.

5.1 Mr. Wise presented to the Commission a rules process overview.

5.2 Ms. Yount provided a brief rules status update. Commission members deferred deciding how to proceed with WAC 246-808-550 – Future Care Contracts Prohibited to the November 12, 2015 rules workshop.

6. POLICY REGARDING TIMELINE FOR THE FIRST CONTINUING EDUCATION AUDITS AFTER INITIAL LICENSURE – Bob Nicoloff, Executive Director 10:45 a.m.

6.1 Commission members discussed creating a policy regarding when continuing education (CE) should be due for chiropractors and chiropractic x-ray technicians that are renewing their license for the first time. It was decided that the Commission will adopt and use the same standard the Department of Health (Department) currently uses being anyone that has held their initial license for 91-days or more must renew it, and attest to taking the CE as required in [WAC 246-808-150](#) for chiropractors or [WAC 246-808-215](#) for chiropractic x-ray technicians. Mr. Nicoloff will prepare the interim policy.

The Commission decided that since both rules are currently open and under rulemaking, WAC 246-808-150 and WAC 246-808-215 will be revised to include that first time licensees do not have to report CE unless they have held their license for at least 12 months.

If the licensee is randomly audited by the Department, they will have to submit all of their CE documentation for review and approval by the Commission.

7. NEW BUSINESS REQUEST ITEMS FROM THE AUGUST 13, 2015 AND SEPTEMBER 10, 2015 MEETINGS 11:00 a.m.

7.1 Commission members discussed and determined how to proceed with the following items:

- Laboratory test kits and interpreting the results – Bob Nicoloff
 - An email inquiry was received regarding if a chiropractor can read and interpret patient lab test results or do they have to be interpreted by another healthcare provider.

It was determined the requester will need to complete the forms and go through the new [formal review process](#). The Commission voted all in favor for Mr. Nicoloff to inform the requester of the Commission's decision and provide the forms.

- Future Rules workshops and weekends – Dr. Waldron
 - Commission members were provided with a cost breakdown of venues in the SeaTac/Kent area. It was suggested that Jessica Jorgensen also research three venues in the Tacoma area and bring the information to the December 10, 2015 meeting for consideration.
- Graduate chiropractor conducting examinations but does not hold a license to practice chiropractic – Dr. Long
 - Commission members discussed if a chiropractor that has graduated from chiropractic college, but has not passed the required National Board of Chiropractic Examiner’s examinations for state licensure, can conduct a physical examination on a patient or if that would require a state license. Commission members determined Committee 1 will continue discussing this item during the December 10, 2015 meeting.

8. PUBLIC COMMENT 11:15 a.m.

8.1 No members from the public addressed the Commission.

9. JOINT OPERATING AGREEMENT DISCUSSION UPDATE - Bob Nicoloff 11:20 a.m.

9.1 Bob Nicoloff and Jim Slakey provided an update to the Commission about the Joint Operating Agreement. They anticipate that there will be two components to the agreement – one on core principals, and the other on performance measures. The first one will likely come to the Commission soon for approval in early 2016. The second component will come later as the Commission staff has experience with compliance and credentialing.

10. MOCK DISCIPLINARY CASE REVIEW – Dr. Waldron 11:30 a.m.

10.1 Dr. Waldron presented a mock professional services corporation/multi-disciplinary case for training purposes.

LUNCH - Commission members continued meeting through lunch 12:00 p.m.

11. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 12:30 p.m.

<u>Committee 1</u>	<u>Committee 2</u>	<u>Committee Floating Members</u>
Dr. Chan, Chair	Dr. Hobbs, Chair	Dr. Waldron
Dr. Langel	Dr. Smith	Ms. Colenso
Dr. Folweiler	Dr. Pratt	
Dr. Long	Dr. Best	
Dr. Corbin-Waters	Dr. Schmitt	
Mr. Slakey	Ms. Stephens	

11.1 Committee 1 Items:

- Committee members completed the informal educational exercise as the first task of this new Committee.
- List and Labels Requests:

- Cambia Health Solutions (Regence Blue Shield and Asuris Northwest Health) – the request was denied.
- Commission Budget Summary and Report:
 - This item was deferred to the December 10, 2015 meeting due to a glitch with running the report.
- Development and assignments for future mock case presentations:
 - This item was deferred to the December 10, 2015 meeting.
- Committees 1 and 2 started to develop work plans and deadlines for completing future newsletter articles, as follows:

2016 newsletter articles:

- April 14, 2016 – Committee 1
 - [WAC 246-808-535](#) – Delegation of services to auxiliary staff, regular senior students, and clinical postgraduate trainees – Dr. Waters
 - Billing for federal workers compensation – Dr. Pratt
 - Spotlight – Dr. Waldron
- August 11, 2016 – Committee 1
 - Commission’s Educational PowerPoint - Dr. Long
- December 8, 2016 – Committee 1

Other article ideas:

- Dr. Folweiler will draft an article about rulemaking and how to contribute.
- Dr. Langel will draft an article about the suicide prevention continuing education requirement.
- Article about the different complaint categories/closure codes.
- Electronic media
- Documentation
- What is a patient?

Committee members will continue developing the work plans during the December 10, 2015 meeting.

- Committee 1 began to review the proposed revisions to the Council on Chiropractic Education (CCE) Accreditation Standards. It was determined that the residency standards were inadvertently provided and not the accreditation standards. The Committee had to defer this item to the November 12, 2015 rules workshop. Due to the CCE review deadline, Dr. Chan will complete the review and present it at the November 12, 2015 meeting.
- Begin the project to create an educational brochure for chiropractic patients and the public. This item was deferred to the December 10, 2015 meeting.

11.2 Committee 2 Items:

- Committee members completed the informal educational exercise as the first task of this new Committee.

- List and Labels Requests:
 - RussoCME Joint Provider of Gritman Medical Center – the request was approved.
 - Davis Family Chiropractic – the request was denied.
- Review the Commission Open Case Status Report
 - Mr. Nicoloff and Mike Ellsworth started reviewing the report with the Committee members. It was decided that Mr. Nicoloff and Mr. Ellsworth will break down the categories further and bring more detail to the December 10, 2015 meeting.
- Discuss the development and assignments for future mock case presentations
 - It was decided that Committee 2 will assign the February 11, 2016 mock case presenter during the December 10, 2015 meeting and work on assigning the remaining 2016 mock case presenters.
- Developed work plans for completing future newsletter articles under agenda item 11.1.
- Continued working on developing the Commission educational presentation (Dr. Smith, Lead)
 - Committee felt the presentation could offer two free CE hours for attendees. They discussed the first presentation could be held at the Heathman Lodge in Vancouver, WA.

Dr. Smith will contact the Clark County Chiropractic Society to see if they can provide a list of names and addresses to conduct a mailing.

The Committee will discuss a start date will be set once more information is obtained.

This item will be further discussed at the December 10, 2015 meeting to continue planning.

- Reviewed the Commission’s CE standards in WAC 246-808-150 with the standards of the Providers of Approved Education (PACE) program of the Federation of Chiropractic Licensing Boards (FCLB).
 - The Committee had many questions regarding the PACE approval process and directed. Ms. Yount to go through the manual and provide the sections in question to Dr. Waldron so he can contact PACE for answers.

They also directed Mr. Nicoloff to contact the Oregon Board of Chiropractic Examiners for their rule, as they recognize PACE.

This item will be further discussed during the December 10, 2015 meeting.

- 2016 newsletter articles:
 - February 11, 2016 – Committee 2
 - Responsibility of a Retiring/relocating chiropractor – Ms. Colenso
 - Role of a public member – Ms. Stevens

- Spotlight – Dr. Smith
- June 9, 2016 – Committee 2
 - Pilot project update – Dr. Waldron and Mr. Nicoloff
- October 13, 2016 – Committee 2

Other article ideas:

- Jim Slakey will draft an article about the Department’s Health Systems Quality Assurance Performance Measures.
- Article about the different complaint categories/closure codes.
- Electronic media
- Documentation
- What is a patient?

12. COMMITTEE REPORTS 3:00 p.m.

12.1 Committees reported to the Commission about their committee work. Some items were presented as a status update and others were presented for consideration. See agenda item 11 for the full report.

13. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount 3:15 p.m.

13.1 Mr. Nicoloff provided an update to the Commission about the licensing and compliance functions shifting from the Department staff to Commission staff.

Mr. Nicoloff continues to work with the Department’s Human Resource office to get the recruitment posted so interviews can be held. The position will be filled prior to shifting the function back to the Commission.

13.2 Ms. Yount presented updates to the 2016 business meeting locations, as follows:

- February 11, 2016 – Comfort Inn Conference Center in Tumwater
- April 14, 2016 – Department of Health in Tumwater
- June 9, 2016 – Department of Health in Tumwater
- August 11, 2016 – Department of Health in Tumwater
- October 13, 2016 – Kent venue to be determined
- December 8, 2016 – Tumwater venue to be determined

Ms. Yount also reminded the Commission the first rules workshop next year will be on March 10, 2016 at the Department of Health in Kent.

13.3 Ms. Yount presented a travel rules document to assist Commissioners that travel for Commission business. The information should help with determining when a Commissioner is in travel status and what items qualify for reimbursement.

14. NEW BUSINESS

14.1 The following new item was requested for the December 10, 2015 meeting agenda:

- Jim Slakey- Why are the WA State chiropractic fees so high compared to other states?

15. PUBLIC COMMENT 3:30 p.m.

15.1 No members of the public were present.

16. CONSENT AGENDA

Items listed under the consent agenda (informational items) are routine agency matters. Items were approved by a single motion of the Commission without discussion.

16.1 October 2015 issue of “The Sentinel News for Department Employees.”

16.2 Chiropractic and chiropractic x-ray technicians licensing statistics as of October 6, 2015.

17. COMMISSION ADJOURNMENT

3:40 p.m.

Prepared By: Leann Yount, Program Manager

Date

Approved By: Matthew Waldron, DC, Chair

Date

Licensing Statistics as of October 6, 2015

Chiropractic X-ray Technicians

	August 10, 2015	October 6, 2015
Total Active Licenses	207	201
Total Pending Licenses	13	9

Expired in Renewal (expired within one year since last renewed)	54	56
Expired Licenses (expired more than one year since last renewed)	961	967
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

Chiropractors

	August 10, 2015	October 6, 2015
Total Active Licenses	2465	2469
Total Pending Licenses	33	36
Total Inactive Licenses	154	153
Expired in Renewal (expired within 1 year since last renewed)	96	90
Expired Licenses (expired more than 1 year since last renewed)	2619	2635
Total Revoked	36	36
Total Suspended	42	42
Active on Probation	7	8
Active with Restrictions	1	1
Active with Conditions	17	16